

**RULES OF THE COURT OF CLAIMS,  
VICTIMS OF CRIME COMPENSATION SECTION**

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**RULE 1. Attorney Fees**

(A) **Hourly rate.** Reimbursement for attorney fees under R.C. 2743.65(A) shall be made on the basis of a maximum of \$60 per hour up to the maximum amounts authorized by divisions (B) and (C) of this Rule.

(B) **Maximum hours; maximum amounts of reimbursement.** Unless otherwise provided by division (C) of this Rule or by order of a commissioner, panel of commissioners, or judge of the Court of Claims, the following are the maximum amounts of reimbursement allowable to an attorney for services performed during certain stages of the process:

- (1) Through determination by a single commissioner, \$720 (12 hours @ \$60);
- (2) Through determination by a panel of commissioners, \$1,020 (17 hours @ \$60);
- (3) Through determination by a judge of the Court of Claims, \$1,320 (22 hours @ \$60);
- (4) Representation at the three commissioner panel hearing only where attorney was not involved prior to the decision by a single commissioner, \$540 (9 hours @ \$60);
- (5) Representation at the three commissioner panel hearing and the hearing before a judge of the Court of Claims where attorney was not involved prior to the decision by a single commissioner, \$840 (14 hours @ \$60);
- (6) Representation at a hearing before a judge of the Court of Claims only where attorney was not involved prior to the decision by a three commissioner panel, \$540 (9 hours @ \$60);
- (7) Where counsel has represented only through part of a proceeding, reimbursement will be based upon the hourly rate mentioned in division (A) of this Rule up to the maximum authorized for the segment of the proceeding during which representation occurred.

(C) **Awards below maximum amounts; requests for additional reimbursement; guardianships; expenses.**

- (1) A commissioner may determine that a lesser number of hours should have been required in a given case. Additional reimbursement may be made, based upon the hourly rate listed in division (A) of this Rule, where the attorney demonstrates to the satisfaction of the

commissioner that the nature of the particular claim required the expenditure of an amount of time in excess of that allowed by division (B) of this Rule.

(2) Attorneys may be reimbursed for fees incurred in the creation of a guardianship, if the guardianship is required in order for an individual to receive an award of reparations.

(3) Expenses that are related to the representation of a claimant, that have a direct bearing on a factual or legal issue before a commissioner, panel of commissioners, or judge of the Court of Claims, and that exceed one hundred dollars, shall be approved in advance by a commissioner, panel of commissioners, or judge. Prior to incurring the expense, counsel shall submit a written motion that details the reason the expense is necessary for representation of the claimant. For purposes of this division, "expenses" includes, but is not limited to, trial transcripts, depositions, and expert witness fees.

**(D) Unreimbursable fees.** Fees that may be related to the incident giving rise to the application for reparations but that are not directly related to the claim for reparations, including, but not limited to, estate work or representation of a claimant against a collateral source, are not reimbursable under R.C. 2743.65(A). No fee will be awarded for the following:

(1) Duplication of investigative work required to be performed by the Attorney General pursuant to R.C. 2743.59;

(2) Performance of unnecessary criminal investigation of the offense;

(3) Presenting or appealing an issue that has or issues that have been repeatedly ruled upon by the highest appellate authority, unless a unique set of facts or unique issue of law exists that may distinguish it;

(4) Any fee request that is unreasonable, is not commensurate with services rendered, is violative of the Ohio Code of Professional Responsibility, or is based upon services that are determined to be frivolous.

**(E) Comments of judge and panel commissioners considered.** In determining the award of attorney fees authorized by R.C. 2743.65(A) and this Rule, the commissioner shall consider the comments of the panel of commissioners and judge of the Court of Claims with respect to the representation before them.

**(F) Forwarding applications for attorney fees; contents of application.** The Clerk of the Court of Claims shall forward applications for attorney fees to the applicant and the applicant's attorney upon journalizing of a reparations award order, or at any time in response to inquiries. The application for fees shall apprise the attorney of the requirements of R.C. 2743.65(A), require a verification statement comporting with Civil Rule 11 and with the law prohibiting falsification, and require an itemized fee statement. A copy of this Rule shall be forwarded to the applicant and the attorney with the application for attorney fee form. The attorney shall file the attorney fee application and serve a copy upon both the Attorney General

and the applicant. Service by the attorney upon himself or herself is not service upon the applicant.

**(G) Right of Attorney General or applicant to oppose application.** The applicant and the Attorney General may oppose either the initial application or a motion for reconsideration. The attorney may oppose a motion for reconsideration filed by an applicant or the Attorney General. All material filed in opposition to a motion for reconsideration or an initial application shall be received by the court within fourteen days of the filing of the motion or application. Any party filing in opposition shall serve a copy of all material filed on the other parties authorized to file by this Rule.

**(H) Motion for reconsideration.**

(1) The decision with respect to an award of attorney fees shall be final ten days after the order is journalized.

(2) Prior to the expiration of the ten day period and upon presentation of new evidence, or an argument that the single commissioner has erred in applying criteria for awarding attorney fees, the attorney, applicant, or Attorney General may move for reconsideration by the single commissioner of the attorney fee award on grounds that it is insufficient or excessive. The party filing the motion for reconsideration shall serve a copy upon the other parties authorized by division (G) to file a motion. Motions for reconsideration shall require reconsideration of the entire file and fee statement, and may result in a revised award that is greater or lesser than the amount claimed or granted. The decision made by the commissioner on the motion for reconsideration is final.

**(I) Source of funds for payment of attorney fees.** Attorney fees awarded under R.C. 2743.65(A) are payable from the Reparations Special Account in addition to the award of reparations, if any, made to the applicant. An attorney who represents an applicant for an award of reparations shall not charge the applicant or any other person for the services rendered in relation to that representation but shall apply to the Court of Claims for payment. Receipt of any fee in connection with an application for reparations under R.C. 2743.51 to 2743.72, other than that contemplated by R.C. 2743.65(A) and this Rule, shall constitute reason for the denial of attorney fees under R.C. 2743.65(A) and this Rule. When any instance of violation of this Rule, or R.C. 2743.65(A), comes to the attention of a commissioner, panel of commissioners, judge of the Court of Claims, the Clerk of the Court of Claims, or the staff of any of them, the matter may be referred to the Office of Disciplinary Counsel of the Supreme Court of Ohio for action under the Ohio Code of Professional Responsibility and Rule V of the Rules for the Government of the Bar of Ohio.

**(J) Citation.** This Rule shall be cited as "V.C.C.R. 1."

[Effective: October 17, 1983; amended effective July 1, 1989.]